IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1245/07

Sanjeev Kumar **Versus** State

DATE OF ORDER :: 04/12/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Rajkamal Gaur, for petitioner

Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed assailing the condition no.2 which has been incorporated by trial Judge in his order dated 15th June, 2007 while handing over the vehicle on supurdagi to petitioner.

FIR No.3/07 was registered at Police Station, Pragpura and his vehicle bearing No.DL-7-CE-0009 was seized. On application being filed by petitioner, learned trial Judge has accepted his contention and directed to release the vehicle vide order dated 15th June, 2007, but incorporated condition no.2, which is relevant for present purpose, is reproduced as under:

"उक्त वाहन प्रार्थी सुपुर्ददार प्रकरण मे प्रत्येक तारीख पेशी पर न्यायालय मे उपस्थित रहेगा अन्यथा सुपुर्दगीनामा निरस्त कर दिया जावेगा।"

Counsel for petitioner submits that such condition incorporated by learned trial Judge is onerous and it will be difficult for him to comply with if on each and every date vehicle is to be produced by him, it will affect his livelihood as well.

This court after hearing the parties, is of the opinion that condition no.2 [supra] is not in any manner going to serve any purpose and considers appropriate that vehicle will be produced by petitioner as and when directed by learned trial Judge during the course of inquiry/trial. Accordingly, the condition no.2 is set aside and in place thereof, it is modified with the direction that **petitioner will produce the vehicle as and when directed by learned trial Judge during the course of inquiry/trial** and to this effect, he will furnish undertaking before learned trial Judge. This condition be considered to be part of order dated 15th June, 2007.

With the above observations, the misc. petition stands disposed of.

[AJAY RASTOGI],J.